

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240 and 315 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 206 and 215 of said Code, proposes to amend subsection (b)(212) of Section 7.50, Title 14, California Code of Regulations, regarding sport fishing regulations, Yuba River, from the mouth to Englebright Dam.

Informative Digest/Policy Statement Overview

Current sport fishing regulations (subsection (b)(212) of Section 7.50, Title 14, CCR), as adopted by the Commission at its December 7, 2001 meeting, for the Yuba River from the mouth to Englebright Dam, establish open fishing seasons, restrict gear to only artificial lures with barbless hooks, and do not allow the harvest of any salmon (only catch-and-release fishing for salmon). The proposed change would allow anglers to harvest daily up to two salmon from the mouth to Daguerre Point Dam between January 1 and February 28 and between August 1 and October 15.

As part of its regular review of the State's sport fishing regulations, the Commission adopted changes to the sport fishing regulations for the Yuba River at its December 7, 2001 meeting. The changes were intended to reduce incidental mortalities to steelhead by prohibiting the use of bait and to protect spring-run chinook salmon through fishing season closures and bag limit reductions.

As part of this regulatory process in the Fall of 2001, the Department proposed two regulatory alternatives which would provide these protections. The first was simplified and allowed no harvest of salmon (zero bag limit). The second was more complex but would have allowed the harvest of salmon below Daguerre Point Dam during specific times.

The Commission adopted the simpler regulation alternative as recommended by the Department.

It has now come to the Department's attention that the angling public in the local area may have been misinformed and/or confused regarding which alternative the Department was recommending for adoption. Some anglers thought they would retain the opportunity to harvest salmon during at least a portion of the year.

In order to provide the angling public with the opportunity to provide additional public comment and recommendations on this issue, this regulatory proposal is being

renoticed. This way those who favor being able to keep salmon during the specified times of the year will be able to comment.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lakeland Village Beach & Mountain Resort, Lakeshore Room, 3535 Lake Tahoe Blvd., South Lake Tahoe, California, on Thursday, June 20, 2002, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 14, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than June 20, 2002, at the hearing in South Lake Tahoe, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Gene Fleming, Fisheries Programs Branch, Department of Fish and Game, phone (916) 445-3616, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulation change may have a positive financial benefit on a small number of local businesses.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: April 23, 2002

John M. Duffy
Assistant Executive Director